

Appellants' Reply Brief on Appeal
U.S. Application Serial No. 10/674,353



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Kenichiro YASUI, et al.

Serial No.: 10/674,353

Group Art Unit: 2835

Filed: October 1, 2003

Examiner: Chang, Yean Hsi

For: FOLDABLE HANDY ELECTRONIC DEVICE

APPELLANTS' REPLY BRIEF ON APPEAL

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450
Box AF

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellants respectfully submit this Reply Brief in response to the Examiner's Answer dated November 22, 2006. Entry of this Reply Brief is respectfully requested.

I. STATUS OF CLAIMS

Claims 1-20 are all of the claims pending in the Application.

Claims 3-12 and 20 have been allowed by the Examiner.

Claims 17 and 18 stand objected to for depending from a rejected claim but would be allowable if rewritten in independent form.

Claims 1, 2, 13-16 and 19 are all of the claims at issue in the present Appeal and were set forth fully in the Appendix attached to the Amended Appeal Brief filed on October 23, 2006.

Claims 1, 2, 13-16 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Murray, et al. (U.S. Patent No. 6,011,699) (hereinafter "Murray").

Appellants respectfully appeal the rejections of claims 1, 2, 13-16 and 19 under 35 U.S.C. § 102(b) as being anticipated by Murray, et al. (U.S. Patent No. 6,011,699; hereinafter "Murray"), which is the sole issue in this Appeal.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

As set forth in the Appeal Brief, the issue presented for review by the Board of Patent Appeals and Interferences is whether independent claims 1 and 19, and dependent claims 2 and 13-16 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Murray.

III. ARGUMENT

In the Examiner's Answer, the Examiner maintained the above rejection on Appeal. Furthermore, the Examiner provided a Response to Arguments in response to the Amended Appeal Brief filed on October 23, 2006.

Appellants stand by the arguments in the Argument section of the Appeal Brief as supplemented by Appellants' below response to the Examiner's Response to Arguments.

Response to Examiner Arguments

The following comments are provided in the same order as presented by the Examiner in the Examiner's Response to Arguments of pages 4-8 of the Examiner's Answer.

Independent Claims 1 and 19

In the Response to Arguments, the Examiner alleges that the display 346 and the screen 204 are both located within in a recess formed between the first side 352 and the second side 354 of the device. The Examiner, however, is clearly incorrect.

That is, Murray merely teaches that the display 346 is fitted in a recess (see Murray at Figure 11). The lens 204, which covers the display 346, is not disposed inside of the recess and is not separated from the operation keys 1110 by the recess. The face of the lens 204 extends along a bottom of the housing between the first and second sides 352 and 354 (e.g., see Figure 6 of Murray, as highlighted by the Examiner on page 6 of the Examiner's Answer). The face of the lens 204 is not located within the recess and therefore is not separated from the operation keys 1110 by the recess.

In accordance with the claimed invention, when the first and second bodies are close to one another, an area covering all of the keys therein overlaps a screen of the liquid crystal display unit. This feature, however, is not disclosed in Murray.

In the claimed invention, the first and second bodies are almost equal in size to each other, and hence, it is possible to prevent keys from making contact with a screen without the cushions (e.g., 11 and 12). In Murray, however, the upper body is supported in a floating condition on the inclined surface 1106 of the projection 1102 formed at the lower body. The device of Murray cannot support the upper body without the projection 1102.

A relation between a height of the keys and the depth of a recess into which a screen enters is different from each other between the claimed invention and Murray.

Dependent claims 13 and 20

In the Examiner's Answer, the Examiner alleged that the recess (space between 352 and 354) extends along the entire interface 720. The Examiner, however, is clearly incorrect.

Indeed, as shown in Figure 11 of Murray, the recess merely extends along a portion of the interface where the lens 204 is disposed. That is, the recess merely extends from a first end to a second end of the lens 204, as is clearly depicted in Figure 11. However, interface keys 1110 of the interface 720 are positioned beyond the lens 204, and, therefore, extend beyond the recess. Thus, the recess in Murray clearly does not extend along an entire length of the interface.

In stark contrast, the claimed invention of claim 13 includes a recess (e.g., 4) that extends along the entire length of the interface (e.g., 6). That is, the operation keys (e.g., 7), which may be included in the interface (e.g., 6) of the claimed invention, are not necessarily positioned outside of the recess (e.g., 4), as in the device of Murray (e.g., see Application at Figure 4).

IV. CONCLUSION

For the above reasons, as well as the reasons set forth in the Appeal Brief, Appellants respectfully request that the Board reverse the Examiner's rejection of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

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Date: January 22, 2007

Respectfully Submitted,



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